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Governor

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MAINE CENTER FOR DISEASE CONTROL AND PREVENTION
DIVISION OF ENVIRONMENTAL HEALTH
DRINKING WATER PROGRAM

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PURPOSE FOR NEW POLICY/PROCEDURE: This policy is written to provide detail for administering the Maine Rules Relating to Drinking Water regarding the issuance of well to contamination source setback waivers.

ORIGINATOR: Nathan Saunders P.E.

POLICY: Well-to-Contamination Source Setback Waiver Policy for Public Water Systems
Rev B 1/9/2007

“New Well” is defined as a well that has not been drilled yet or an existing well that has never been regulated before... new to the Maine Drinking Water Program (*this includes After the Fact wells*).

From the Maine Rules Relating to Drinking Water [10-144 CMR 231 (3)(G)(2)]

1. “New wells shall be located at least 300 feet away from potential contamination sources” [primarily septic system leach fields]
2. “If circumstances exist **requiring** a proposed well to be placed closer than 300 feet from a potential contamination source, [e.g. septic system leach field], then the Department **may** grant a waiver to the requirement on a case-by-case basis.”

Public water system owners may be granted a waiver if the following circumstances prevent a 300-foot setback: These reasons are incorporated directly from Chapter 4 of the Well Drillers Rule, CMR 232, New Water Well Construction.

- a) the size of the property is not sufficient to allow for the required setback; or
- b) sufficient setbacks from other potential sources of contamination cannot be met; or
- c) excessive slopes prohibit access; or
- d) the location of permanent structures would result in unreasonable impacts or damage to the structures; or
- e) the location of lakes, ponds, streams or wetlands prohibits meeting the required setback; or
- f) the presence of bedrock at or within three vertical feet of the surface would result in unreasonable trenching requirements; or
- g) other requirement as accepted by the Maine Drinking Water Program (DWP) staff.

FOR ALL SYSTEMS:

Setback = 300 feet or more:

If a setback measures 300 feet or more, then a waiver is not required. Tables (1) and (2) within the Policy for Water Quality Monitoring for Non-Community PWS Wells with Inadequate Setbacks from Septic Disposal System Leach Fields (WQM-IS) offer monitoring and well construction guidance for Non-Community public water systems. Monitoring and well construction requirements for Community systems are determined on a case-by-case basis.

Setback = 150 to 299 feet:

1. A public water system must meet one of the above 7 circumstances that prevent a 300-foot setback from occurring. If none of the above circumstances apply, then the public water system must create a 300-foot-or-greater setback by drilling a well, moving a septic system leach field, or some other method.
2. For an existing well that fails to meet one of the above 7 circumstances allowing for a reduced setback, the DWP may allow for reducing the 300-foot setback requirement by 10% (between 270 and 300 feet). If such a waiver is granted, then the public water system would be required to increase monitoring frequency and provide minimum well-casing, per WQM-IS.
3. For an existing well with a setback of 150 to 269 feet that fails to meet one of the reduced-setback circumstances, a public water system may hire a certified hydrogeologist to render an opinion concerning the risk of the well being contaminated by the leach field, based on the surficial geology between the well and the leach field. An existing well with a setback of 150 to 269 feet may be waived by a DWP Geologist upon review of the information, data, and opinion provided by a certified geologist. Potential remedies to this reduced setback include septic pretreatment and/or well modification (e.g. installation of a Jazwell seal of an appropriate length), as approved by a DWP Geologist.
4. A waived non community public water system with a setback between 150 to 299 feet must follow the water quality monitoring and well construction requirements from Table 1 and Table 2 of WQM-IS. Monitoring and well construction requirements for Community systems are determined on a case-by-case basis.

Setback = 100 to 149 feet:

1. A public water system must meet one of the above 7 circumstances that prevent a 300-foot setback from occurring. If none of the above circumstances apply, then the public water system must create a 300-foot-or-greater setback by drilling a well, moving a septic system leach field, or some other method.
2. A public water system that started operating or was substantially changed after 10/24/2001, per the Maine Rules Relating to Drinking Water:

Must hire a certified geologist to complete a hydrogeological assessment appropriate to the system classification and situation as specified by a DWP geologist. The DWP geologist will approve or disapprove the evaluation. DWP Field Inspectors will instruct the public water system to contact a DWP Geologist to discuss the requirements of a hydrogeological assessment. **A hydrogeological assessment may be waived if a certified geologist submits an engineered septic and/or well construction proposal that is then approved by the DWP.**

3. A public water system that started operating or was substantially changed before 10/24/2001:

Must meet sampling requirements from Table 1 of WQM-IS.

4. A waived non community public water system with a setback between 100 to 149 feet must follow the water quality monitoring and well construction requirements from Table 1 and Table 2 of WQM-IS. Monitoring and well construction requirements for Community systems are determined on a case-by-case basis.

Setbacks < 100 feet:

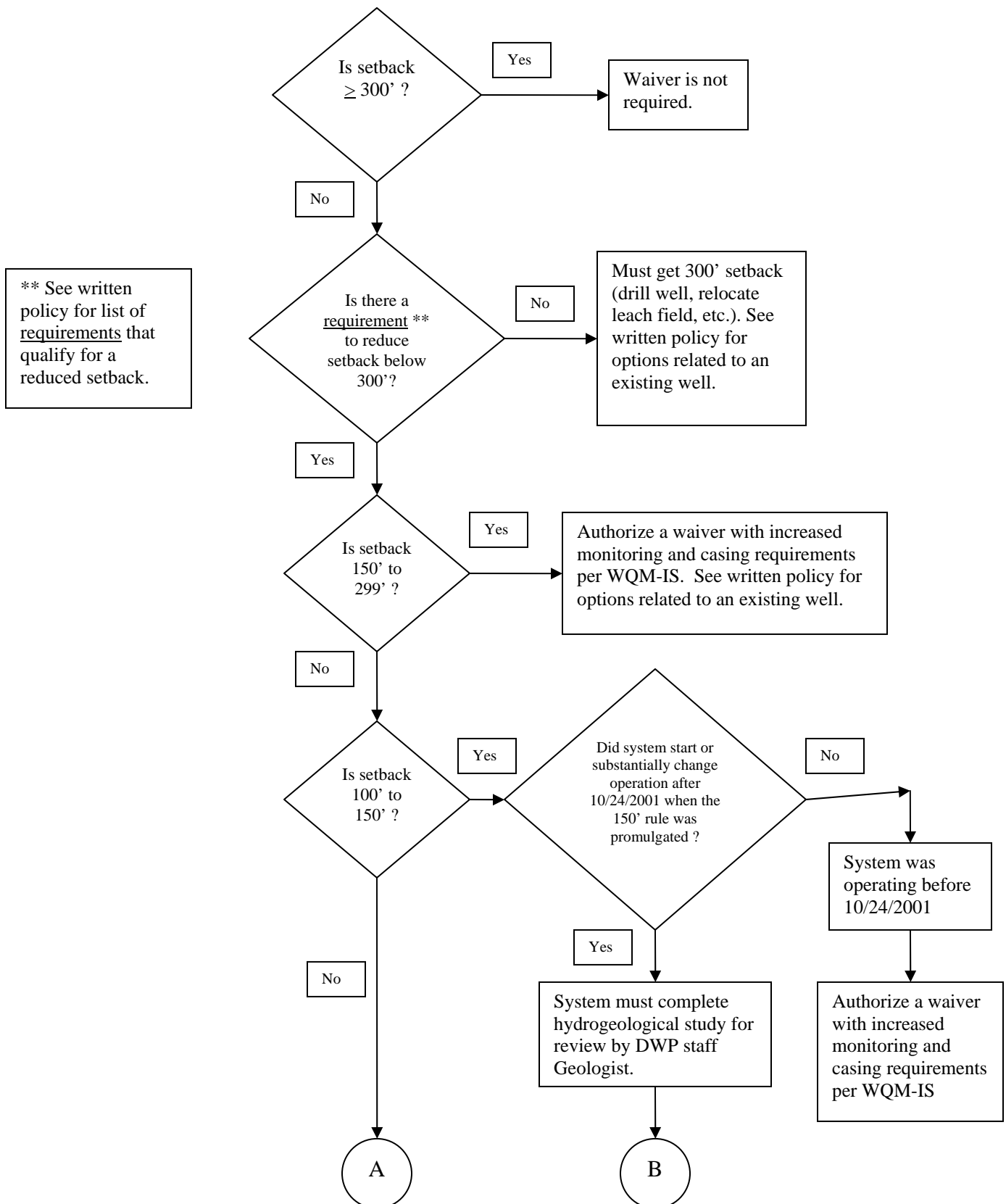
1. A public water system must meet one of the above 7 circumstances that prevent a 300-foot setback from occurring. If none of the above circumstances apply, then the public water system must create a 300-foot-or-greater setback by drilling a well, moving a septic system leach field, or some other method.

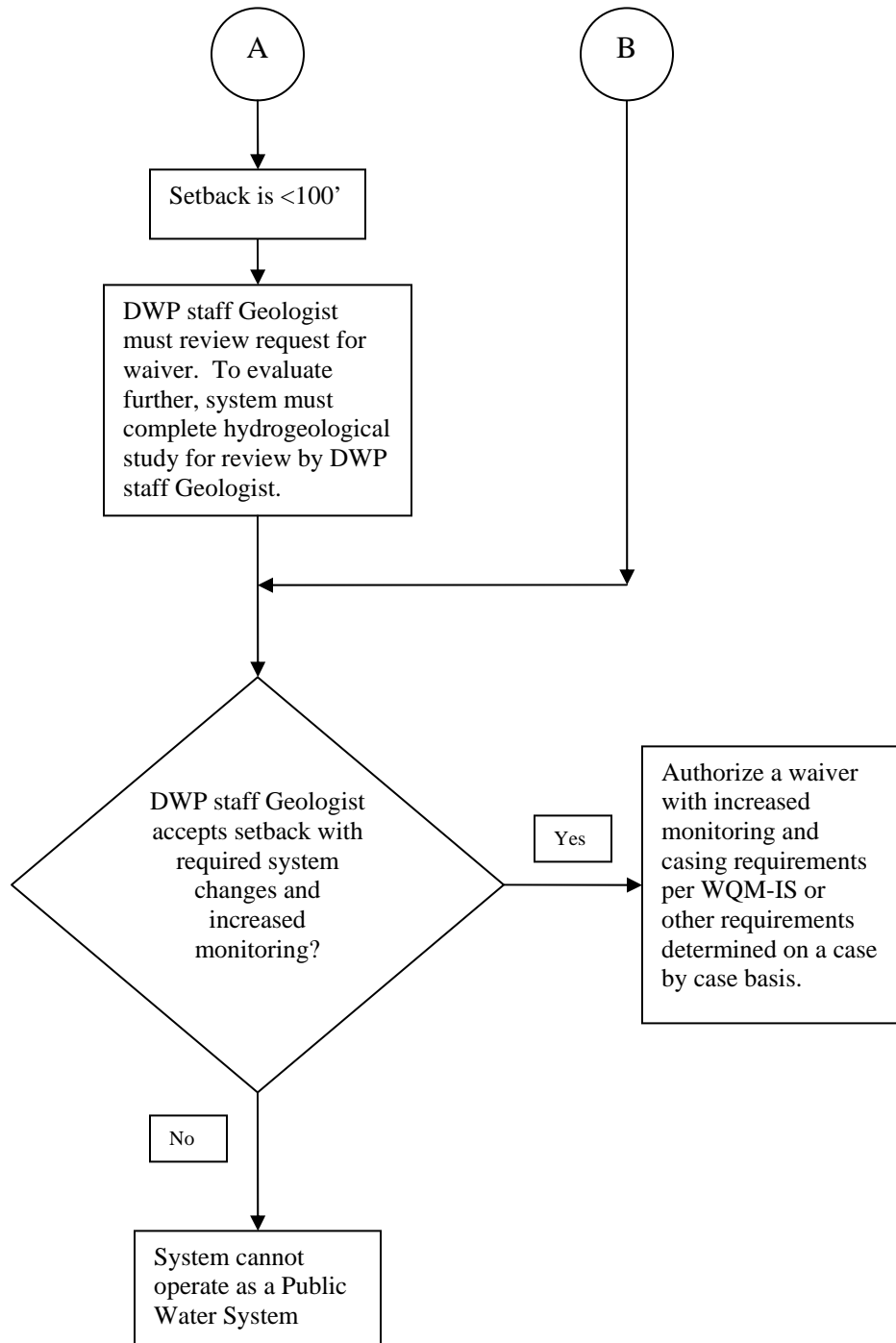
2. A public water system with a setback of less than 100 feet may only receive a waiver if a DWP geologist reviews and approves such waiver requests. Per Maine Rules Relating to Drinking Water, any system that started operating or was substantially changed after 10/24/2001 must complete a hydrogeological assessment as specified above for setbacks of 100 to 149 feet. **A hydrogeological assessment may be waived if a certified geologist submits an engineered septic and/or well construction proposal that is then approved by the DWP.**

3. A waived system with a setback of less than 100 feet must comply with water quality monitoring and well construction requirements determined by the DWP.

Flowchart for the Well to Contamination Source Setback Waiver Policy for Public Water Systems

Rev B 1/9/2007





Maine Drinking Water Program Well to Contamination Source Setback Waiver Form
Rev B 1/9/2007

System Name: _____
System Contact Name: _____
PWSID# (If applicable): _____
DWP Field Inspector: _____
DWP Waiver Reviewer: (Field Inspection Team Manager or DWP Geologist): _____
Date: _____

1. What is the measured setback the waiver is requested for? (Attach drawings and describe)

2. What circumstance warrants a setback reduction waiver:

3. If setback is less than 150 feet, was a hydrogeological study completed by a certified Geologist?

☐ Yes (attach report)

☐ No If No, why was the study not completed? (e.g. septic pretreatment required, study not needed? other?)

4. Waiver granted? ☐ Yes ☐ No

Explain reasoning:

5. Record waiver conditions (e.g. septic pretreatment, extended well casing or jazwell seal, monitoring requirements):

DWP Authorizing Signature (Field Inspection Team Manager or DWP Geologist):

_____ Date: _____

Retain this form in the PWS file.

APPROVED BY: Nancy Beardsley, Director

Nancy Beardsley
Signature

Effective Date

Rev A - 9/25/06 ; Rev B – 1/9/07 ;
Revision Dates

_____; _____;